

Exhibit R

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
GEORGE SANTOLI and STACEY SANTOLI,

Index No.: 118596/03

Plaintiffs,

-against-

475 NINTH AVENUE ASSOCIATES, LLC,
VJB CONSTRUCTION 475 9TH AVENUE LLC,
VJB CONSTRUCTION CORP., SPIELER & RICCA
ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT
CORPORATION,

Defendants.

-----X
475 NINTH AVENUE ASSOCIATES, LLC,

2nd TP Index No.:
590528/05

Second Third-Party Plaintiff,

-against-

R&J CONSTRUCTION CORP., SPEILER & RICCA
ELECTRICAL COMPANY, INC.; REPUBLIC
FRANKLIN INSURANCE COMPANY, UTICA
NATIONAL INSURANCE GROUP, UTICA
NATIONAL INSURANCE GROUP, SCOTTSDALE
INSURANCE COMPANY, TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA, ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,

**NOTICE OF CONSENT
TO CHANGE ATTORNEY
RE: SECOND THIRD-
PARTY ACTION ONLY**

Second Third-Party Defendants.

-----X
M A D A M/S I R S:


PLEASE TAKE NOTICE that the attached is a true and accurate copy of a
consent to change attorney, which is being filed with respect to the above-entitled second

third-party action.

Dated: New York, New York
December 26, 2007

Yours, etc.,

JAFFE & ASHER LLP

By: 
Marshall T. Potashner, Esq.
Attorneys for Second Third-Party Plaintiff
475 NINTH AVENUE ASSOCIATES, LLC
600 Third Avenue, 9TH Floor
New York, New York 10016
(212) 687-3000

TO: DEVEREAUX AND WEIDENBAUM, PC,
As successor to Devereaux Weidenbaum, LLP
Attorneys for Defendant
VJB CONSTRUCTION CORP.
and Attorneys for Defendant/Third-Party Plaintiff
475 NINTH AVENUE ASSOCIATES, LLC
39 Broadway, Suite 910
New York, New York 10016
(212) 785-5959

HACH & ROSE, LLP
Attorneys for Plaintiffs
GEORGE SANTOLI and STACEY SANTOLI
185 Madison Avenue, 8th Floor
New York, New York 10016
(212) 779-0057

O'CONNOR O'CONNOR HINTZ & DEVENEY, LLP
Attorneys for Defendant
SPIELER & RICCA ELECTRICAL CO. INC.
One Huntington Quadrangle, Suite 1C07
Melville, New York 11741
(631) 777-2330

FUREY, KERLEY, WALSH, MATERA & CINQUEMANI, P.C.
Attorneys for Third-Party Defendants
TRAVELER'S FRANKLIN INSURANCE COMPANY;
UTICA NATIONAL INSURANCE COMPANY OF TEXAS;
UTICA NATIONAL INSURANCE GROUP;
UTICA MUTUAL INSURANCE COMPANY
2174 Jackson Avenue
Seaford, New York 11783
(516) 409-6200

RUTHERFORD & CHRISTIE LLP
Attorneys for Third-Party Defendants
R&J CONSTRUCTION CORP.
300 E 42nd Street
New York, New York 10017
(212) 599-5799

LAZARE POTTER GIACOVAS & KRANJAC LLP
Attorneys for Third-Party Defendants
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
950 Third Avenue
New York, New York 10022
(212) 758-9300

KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, LLP
Attorneys for Third-Party Defendant
SCOTTSDALE INSURANCE COMPANY
69 East Jericho Turnpike
Mineola, New York 11501
(516) 742-3470

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
475 NINTH AVENUE ASSOCIATES, LLC,

plaintiff,

-against-

R&J CONSTRUCTION CORP.; SPEILER & RICCA
ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN
INSURANCE COMPANY; UTICA NATIONAL INSURANCE
GROUP; UTICA NATIONAL INSURANCE GROUP;
SCOTTSDALE INSURANCE COMPANY; TRAVELERS
PROPERTY CASUALTY COMPANY OF AMERICA; ST. PAUL
FIRE AND MARINE INSURANCE COMPANY,

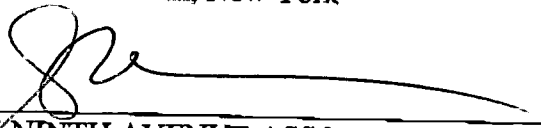
defendants.
-----X

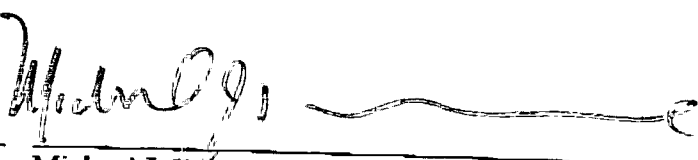
590528/05
Index No.: ~~110596/05~~ *m*

CONSENT TO CHANGE
ATTORNEY

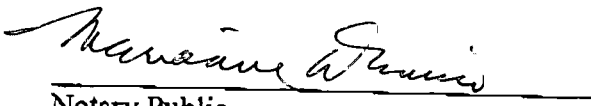
475 NINTH AVENUE ASSOCIATES, LLC. hereby consents to the change of attorney
and substitution of counsel in their behalf as of the date of this consent from the attorneys
DEVEREAUX WEIDENBAUM, PC to the attorneys JAFFE & ASHER LLP.

Dated: November 26, 2007
New York, New York


475 NINTH AVENUE ASSOCIATES, LLC,
by Stephen N. Benjamin, Vice-President


Michael J. Devereaux, Esq.
DEVEREAUX WEIDENBAUM, PC
39 Broadway, Suite 910
New York, New York 10006
(212) 785-5959 (T)
(212) 785-4487 (F)
Outgoing Attorneys

Sworn to before me this
12th day of December, 2007


Notary Public

Marianne Dimino
Notary Public - State of New York
No. 01D14849869
Qualified in Queens County
My Comm. Expires January 6, 2010

STATE OF NEW YORK, COUNTY OF

SS:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and

certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

Check Applicable Box
☐ Attorney's
 Certification

say that I am the attorney of record, or of counsel with the attorney(s) of record, for

Check Applicable Box
☐ Attorney's
 Verification
 by
 Affirmation

I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

The reason I make this affirmation instead of

is

I affirm that the foregoing statements are true under penalties of perjury

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am

Check Applicable Box
☐ Individual
 Verification

in the action herein; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the of

Check Applicable Box
☐ Corporate
 Verification

a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

, 20

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On

, 20 , I served a true copy of the annexed

in the following manner:

Check Applicable Box
☐ Service
 by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Check Applicable Box
☐ Personal
 Service

by delivering the same personally to the persons at the address indicated below:

Check Applicable Box
☐ Service by
 Electronic
 Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Check Applicable Box
☐ Overnight
 Delivery
 Service

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Sworn to before me on

, 20

(Print signer's name below signature)

Index No. 118596

Year 20 2003

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

GEORGE SANTOLI and STACEY SANTOLI,

-against

Plaintiffs,

475 NINTH AVENUE ASSOCIATES, LLC, VJB CONSTRUCTION 475 9TH AVENUE LLC, VJB CONSTRUCTION
CORP., SPIELER & RICCA ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT CORPORATION,

-----x

Defendants.

475 NINTH AVENUE ASSOCIATES, LLC,

-against

Second Third-Party Plaintiff,

R&J CONSTRUCTION CORP., SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN
INSURANCE COMPANY, UTICA NATIONAL INSURANCE GROUP, UTICA NATIONAL INSURANCE GROUP,
SCOTTSDALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST.
PAUL FIRE AND MARINE INSURANCE COMPANY,

Second Third-Party Defendants.

**NOTICE OF CONSENT TO CHANGE ATTORNEY RE:
SECOND THIRD-PARTY ACTION ONLY**

Attorneys for

**JAFFE & ASHER LLP
Second Third-Party Plaintiff**

600 THIRD AVENUE
NEW YORK, NEW YORK 10016
(212) 687-3000

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: _____

Signature _____

Print Signer's Name _____

Service of a copy of the within

is hereby admitted

Dated: _____

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at
on 20 , at M.

Dated: _____

Attorneys for

JAFFE & ASHER LLP

600 THIRD AVENUE
NEW YORK, NEW YORK 10010

To

Attorney(s) for

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
GEORGE SANTOLI and STACEY SANTOLI,

Index No.: 118596/03

Plaintiffs,

-against-

475 NINTH AVENUE ASSOCIATES, LLC,
VJB CONSTRUCTION 475 9TH AVENUE LLC,
VJB CONSTRUCTION CORP., SPIELER & RICCA
ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT
CORPORATION,

Defendants.

-----X
475 NINTH AVENUE ASSOCIATES, LLC,

2nd TP Index No.:
590528/05

Second Third-Party Plaintiff,

-against-

R&J CONSTRUCTION CORP., SPEILER & RICCA
ELECTRICAL COMPANY, INC.; REPUBLIC
FRANKLIN INSURANCE COMPANY, UTICA
NATIONAL INSURANCE GROUP, UTICA
NATIONAL INSURANCE GROUP, SCOTTSDALE
INSURANCE COMPANY, TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA, ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,

**NOTICE OF
APPEARANCE -- THIRD
PARTY ACTION ONLY**

Second Third-Party Defendants.

-----X
M A D A M/S I R S:

PLEASE TAKE NOTICE that the undersigned appears as counsel of record
for second third-party plaintiff 475 NINTH AVENUE ASSOCIATES, LLC in the Second

Third-Party Action only and demands that you serve all papers in this action upon the undersigned at the address stated below.

Dated: New York, New York
December 21, 2007

Yours, etc.,

JAFFE & ASHER LLP

By: 

Marshall T. Potashner, Esq.

Attorneys for Second Third-Party Plaintiff
475 NINTH AVENUE ASSOCIATES, LLC
600 Third Avenue, 9TH Floor
New York, New York 10016
(212) 687-3000

TO: DEVEREAUX AND WEIDENBAUM, PC,
As successor to Devereaux Weidenbaum, LLP
Attorneys for Defendant
VJB CONSTRUCTION CORP.
and Attorneys for Defendant/Third-Party Plaintiff
475 NINTH AVENUE ASSOCIATES, LLC
39 Broadway, Suite 910
New York, New York 10016
(212) 785-5959

HACH & ROSE, LLP
Attorneys for Plaintiffs
GEORGE SANTOLI and STACEY SANTOLI
185 Madison Avenue, 8th Floor
New York, New York 10016
(212) 779-0057

O'CONNOR O'CONNOR HINTZ & DEVENY, LLP
Attorneys for Defendant
SPIELER & RICCA ELECTRICAL CO. INC.
One Huntington Quadrangle, Suite 1C07
Melville, New York 11741
(631) 777-2330

FUREY, KERLEY, WALSH, MATERA & CINQUEMANI, P.C.
Attorneys for Third-Party Defendants
TRAVELER'S FRANKLIN INSURANCE COMPANY;
UTICA NATIONAL INSURANCE COMPANY OF TEXAS;
UTICA NATIONAL INSURANCE GROUP;
UTICA MUTUAL INSURANCE COMPANY
2174 Jackson Avenue
Seaford, New York 11783
(516) 409-6200

RUTHERFORD & CHRISTIE LLP
Attorneys for Third-Party Defendants
R&J CONSTRUCTION CORP.
300 E 42nd Street
New York, New York 10017
(212) 599-5799

LAZARE POTTER GIACOVAS & KRANJAC LLP
Attorneys for Third-Party Defendants
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
950 Third Avenue
New York, New York 10022
(212) 758-9300

KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, LLP
Attorneys for Third-Party Defendant
SCOTTSDALE INSURANCE COMPANY
69 East Jericho Turnpike
Mineola, New York 11501
(516) 742-3470

STATE OF NEW YORK, COUNTY OF

SS:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and

certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

Check Applicable Box
☐ Attorney's
Certification

say that I am the attorney of record, or of counsel with the attorney(s) of record, for

Check Applicable Box
☐ Attorney's
Verification
by
Affirmation

I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

The reason I make this affirmation instead of

is

I affirm that the foregoing statements are true under penalties of perjury

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am

Check Applicable Box
☐ Individual
Verification

in the action herein, I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the of

Check Applicable Box
☐ Corporate
Verification

a corporation, one of the parties to the action, I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following

Sworn to before me on

, 20

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On

, 20 , I served a true copy of the annexed

in the following manner:

Check Applicable Box
☐ Service
by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Check Applicable Box
☐ Personal
Service

by delivering the same personally to the persons at the address indicated below:

Check Applicable Box
☐ Service by
Electronic
Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Check Applicable Box
☐ Overnight
Delivery
Service

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Sworn to before me on

, 20

(Print signer's name below signature)

Index No 118596

Year 20 2003

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

GEORGE SANTOLI and STACEY SANTOLI,

-against

Plaintiffs,

475 NINTH AVENUE ASSOCIATES, LLC, VJB CONSTRUCTION 475 9TH AVENUE LLC, VJB CONSTRUCTION
CORP., SPIELER & RICCA ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT CORPORATION,

Defendants.

-----X

475 NINTH AVENUE ASSOCIATES, LLC,

-against

Second Third-Party Plaintiff,

R&J CONSTRUCTION CORP., SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN
INSURANCE COMPANY, UTICA NATIONAL INSURANCE GROUP, UTICA NATIONAL INSURANCE GROUP,
SCOTTSDALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST.
PAUL FIRE AND MARINE INSURANCE COMPANY,

Second Third-Party Defendants.

NOTICE OF APPEARANCE – THIRD PARTY ACTION ONLY

Attorneys for

JAFFE & ASHER LLP

Second Third-Party Plaintiff

600 THIRD AVENUE
NEW YORK, NEW YORK 10016
(212) 687-3000

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at
on 20 , at M.

Dated:

Attorneys for

JAFFE & ASHER LLP

600 THIRD AVENUE
NEW YORK, NEW YORK 10016

To

Attorney(s) for